

Amendment and Response

Applicant: Thane M. Larson et al.

Serial No.: 09/924,024

Filed: August 7, 2001

Docket No.: 10012574-1

Title: SYSTEM AND METHOD FOR POWER MANAGEMENT IN A SERVER SYSTEM

REMARKS

The following remarks are made in response to the Non-Final Office Action mailed June 30, 2004. In that Office Action, the Examiner rejected claims 1, 7, 9, and 14 under 35 U.S.C. §103(a) as being unpatentable over Ben-Meir et al., U.S. Patent No. 5,652,893 ("Ben-Meir") in view of Pignolet, U.S. Patent No. 6,023,148 ("Pignolet"). Claims 2-6, 10-13, and 15-19 were rejected under 35 U.S.C. §103(a) as being unpatentable over Ben-Meir in view of Pignolet as applied to claims 1, 7, 9, and 14 above, and further in view of De Nicolo, U.S. Patent No. 6,134,666 ("De Nicolo"). Claim 8 was rejected under 35 U.S.C. §103(a) as being unpatentable over Ben-Meir in view of Pignolet as applied to claims 1, 7, 9, and 14 above, and further in view of Doustou II et al., U.S. Patent No. 6,392,872 ("Doustou").

With this Response, claims 1, 6-9, and 13-15 have been amended. Claims 1-19 remain pending in the application and are presented for reconsideration and allowance.

35 U.S.C. §103 Rejections

The Examiner rejected claims 1, 7, 9, and 14 under 35 U.S.C. §103(a) as being unpatentable over Ben-Meir et al., U.S. Patent No. 5,652,893 ("Ben-Meir") in view of Pignolet, U.S. Patent No. 6,023,148 ("Pignolet"). Independent claim 1 is directed to a "server system" and, as amended, recites "a plurality of subsystems each including an associated memory for storing power usage information, the plurality of subsystems including at least one host processor card and at least one mass storage device". The Examiner has acknowledged that "B-M [Ben-Meir] in view of Pignolet lack specific mention of the subassemblies containing at least one host processor card, at least one hard disk card, and at least one fan card." (Office Action at para. no. 6, page 6). Ben-Meir and Pignolet, either alone or in combination, do not teach or suggest "a plurality of subsystems each including an associated memory for storing power usage information, the plurality of subsystems including at least one host processor card and at least one mass storage device", as recited in independent claim 1, as amended.

There is also no suggestion to combine Ben-Meir and Pignolet. As the Federal Circuit has stated, "[i]n holding an invention obvious in view of a combination of references, there must be some suggestion, motivation, or teaching in the prior art that would have led a person of ordinary skill in the art to select the references and combine them in the way that

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would produce the claimed invention.” *Karsten Manufacturing Corp. v. Cleveland Golf Co.*, 58 U.S.P.Q.2d 1286, 1293 (CAFC 2001). Ben-Meir discloses a local area network switching hub or concentrator. (See, e.g., Ben-Meir at Title, Abstract, Field of the Invention, and Background of the Invention). Ben-Meir clearly distinguishes between a server and a switching hub (see, e.g., Ben-Meir at col. 1, lines 10-17), and includes no teaching or suggestion that any of the techniques disclosed therein for the switching hub could or should be applied to a server, such as the server disclosed in Pignolet. Pignolet discloses a data server (see, e.g., Pignolet at Abstract), and includes no teaching or suggestion that any of the techniques disclosed therein for a data server could or should be applied to a switching hub, such as the switching hub disclosed in Ben-Meir.

In view of the above, Ben-Meir in view of Pignolet does not teach or suggest each and every limitation of independent claim 1. The Applicant respectfully requests removal of the rejection of claim 1 under 35 U.S.C. § 103(a), and requests allowance of this claim. Since dependent claim 7 further limits patentably distinct claim 1, claim 7 is believed to be allowable over the cited references, and allowance of claim 7 is respectfully requested.

Independent claim 9 is directed to method of monitoring power usage in a “server system”, and recites “providing each of the plurality of subsystems with an associated memory” and “storing power usage information in the memories associated with the plurality of subsystems, the power usage information stored in each memory representing the power usage of the subsystem associated with the memory”. The preamble of claim 9, as amended, recites “the server system including a plurality of subsystems and a power supply for powering the plurality of subsystems, the plurality of subsystems including at least one host processor card and at least one mass storage device”. Thus, claim 9 recites that the at least one host processor card and the at least one mass storage device are each provided with an associated memory that stores power usage information. As described above with respect to independent claim 1, Ben-Meir and Pignolet, either alone or in combination, do not teach or suggest “a plurality of subsystems each including an associated memory for storing power usage information, the plurality of subsystems including at least one host processor card and at least one mass storage device”, as recited in independent claim 1, as amended. For the reasons set forth above with respect to claim 1, Ben-Meir and Pignolet also do not teach or

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suggest the above quoted recitations of independent claim 9. There is also no suggestion to combine Ben-Meir and Pignolet, as described above with respect to claim 1.

In view of the above, Ben-Meir in view of Pignolet does not teach or suggest each and every limitation of independent claim 9. The Applicant respectfully requests removal of the rejection of claim 9 under 35 U.S.C. § 103(a), and requests allowance of this claim. Since dependent claim 14 further limits patentably distinct claim 9, claim 14 is believed to be allowable over the cited references, and allowance of claim 14 is respectfully requested.

The Examiner rejected claims 2-6, 10-13, and 15-19 under 35 U.S.C. §103(a) as being unpatentable over Ben-Meir in view of Pignolet as applied to claims 1, 7, 9, and 14 above, and further in view of De Nicolo, U.S. Patent No. 6,134,666 ("De Nicolo"). Claims 2-6 are dependent on independent claim 1. Claims 10-13 are dependent on independent claim 9. As described above with respect to independent claims 1 and 9, Ben-Meir in view of Pignolet does not teach or suggest the above-quoted recitations of claims 1 and 9. De Nicolo also does not teach or suggest these recitations.

As described above with respect to claim 1, there is no suggestion to combine Ben-Meir and Pignolet. De Nicolo includes no teaching or suggestion regarding a server, and there is no teaching or suggestion in De Nicolo that any of the techniques therein could or should be applied to a server. There is no suggestion to combine De Nicolo with Ben-Meir and Pignolet.

In view of the above, since dependent claims 2-6 and 10-13 further limit patentably distinct claim 1 and claim 9, respectively, claims 2-6 and 10-13 are believed to be allowable over the cited references, and allowance of claims 2-6 and 10-13 is respectfully requested.

Independent claim 15 is directed to a "server system", and, as amended, recites "a plurality of removable cards, each card including an associated memory for storing power usage information, the plurality of cards including at least one host processor card and at least one hard disk card". As described above with respect to independent claim 1, Ben-Meir and Pignolet, either alone or in combination, do not teach or suggest "a plurality of subsystems each including an associated memory for storing power usage information, the plurality of subsystems including at least one host processor card and at least one mass storage device", as recited in independent claim 1, as amended. For the reasons set forth above with respect to

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claim 1, Ben-Meir and Pignolet also do not teach or suggest the above quoted recitations of independent claim 15. De Nicolo also does not teach or suggest these recitations.

In view of the above, Ben-Meir in view of Pignolet and De Nicolo does not teach or suggest each and every limitation of independent claim 15. The Applicant respectfully requests removal of the rejection of claim 15 under 35 U.S.C. § 103(a), and requests allowance of this claim. Since dependent claims 16-19 further limit patentably distinct claim 15, claims 16-19 are believed to be allowable over the cited references, and allowance of claims 16-19 is respectfully requested.

The Examiner rejected claim 8 under 35 U.S.C. §103(a) as being unpatentable over Ben-Meir in view of Pignolet as applied to claims 1, 7, 9, and 14 above, and further in view of Doustou II et al., U.S. Patent No. 6,392,872 ("Doustou"). Claim 8 is dependent on independent claim 1. As described above with respect to independent claim 1, Ben-Meir in view of Pignolet does not teach or suggest the above-quoted recitations of claim 1. Doustou also does not teach or suggest these recitations.

As described above with respect to claim 1, there is no suggestion to combine Ben-Meir and Pignolet. Doustou discloses a network server (see, e.g., Doustou at col. 1, lines 4-6), and includes no teaching or suggestion that any of the techniques disclosed therein for a network server could or should be applied to a switching hub, such as the switching hub disclosed in Ben-Meir. There is no suggestion to combine Doustou with Ben-Meir and Pignolet.

In view of the above, since dependent claim 8 further limits patentably distinct claim 8, claim 8 is believed to be allowable over the cited references, and allowance of claim 8 is respectfully requested.

CONCLUSION

In view of the above, Applicant respectfully submits that pending claims 1-19 are in form for allowance and are not taught or suggested by the cited references. Therefore, reconsideration and withdrawal of the rejections and allowance of claims 1-19 is respectfully requested.

No fees are required under 37 C.F.R. 1.16(b)(c). However, if such fees are required, the Patent Office is hereby authorized to charge Deposit Account No. 08-2025.

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The Examiner is invited to contact the Applicant's representative at the below-listed telephone numbers to facilitate prosecution of this application.

Any inquiry regarding this Amendment and Response should be directed to either David A. Plettner at Telephone No. (408) 447-3013, Facsimile No. (408) 447-0854 or Jeff A. Holmen at Telephone No. (612) 573-0178, Facsimile No. (612) 573-2005. In addition, all correspondence should continue to be directed to the following address:

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Respectfully submitted,

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CERTIFICATE UNDER 37 C.F.R. 1.8:

The undersigned hereby certifies that this paper or papers, as described herein, are being deposited in the United States Postal Service, as first class mail, in an envelope address to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 30th day of September, 2004.

By Jeff A. Holmen
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